

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Representation of Sri Mohammed Sardar, Ex.PC 515 requesting to implement the Hon'ble High Court order dated: 7.3.2011– Reinstated into service subject to outcome of SLP - Orders – Issued.

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HOME (SER-II) DEPARTMENT

G.O.Rt.No. 484

Dated:26-3-2012

Read the following:

1. From Sri Mohammed Sardar, Ex.PC, SAR CPL, Amberpet, Hyderabad  
Petition dated: 11-4-2011
2. From the Hon'ble High Court orders dated: 7-3-2011 in WP. No.5429/2011 received  
on 20-4-2011
3. Govt.Memo.No.10625/Ser-II/A3/2011, dated: 18-5-11.
4. From the DGP, AP, Hyderabad, Lr.Rc.No.1138/Appeal-4/ 2011, dated: 23-6-2011
5. Govt.Memo.No.10625/Ser-II/A3/2011, dated: 23-7-2011.
6. From the DGP, AP, Hyderabad, Lr.Rc.No.1138/Appeal-4/ 2011, dated: 5-8-2011

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**ORDER:**

In the reference 3<sup>rd</sup> read above, the Director General of Police, AP, Hyderabad, has informed that Sri Mohammed Sardar, Ex.PC 515 was awarded the punishment of 'dismissal from service' vide procs.No.A3/PR-32/SAR/01 (U.O.No.696/02), dated: 19.10.02. Aggrieved by the said punishment orders, the petitioner submitted an appeal petition to the Commissioner of Police, (i.e. Appellate authority). When the appeal petition was under process, the applicant filed an O.A. in the Hon'ble APAT in O.A.No. 11595/2002 against the punishment of dismissal from service. The Hon'ble APAT in its interim orders dated: 2.1.2003 directed the 2<sup>nd</sup> respondent i.e. CP, Hyderabad to dispose the appeal petition preferred by the applicant. Accordingly, the CP, Hyderabad disposed the appeal petition by rejecting his request vide Procs.C.No.L&O/B7-/Appeal/170/2003, (D.O.No.1091), dated: 23.4.2003. After his appeal was rejected by the CP, Hyderabad, the petitioner submitted the revision petition to the revision authority i.e., Director General of Police, A.P. Hyderabad. When the revision petition was under process, the applicant filed an O.A. in the Hon'ble APAT in O.A.No.63/2004 against the orders of the CP, Hyderabad. The Hon'ble APAT issued orders dated: 7.1.2004 in the said O.A. directing the 3<sup>rd</sup> respondent i.e. the Director General of Police, A.P. Hyderabad to dispose the revision petition preferred by the applicant. Accordingly the Revision authority disposed the revision petition by rejecting vide his Procs.T.Dis.No.01/Appeal-4/2004, dated: 4.8.2004. The applicant filed C.A.No. 572/2004 in O.A.No. 63/2004 in the Hon'ble APAT against the orders of Revision authority. The Hon'ble APAT issued orders dated: 21.2.2006 on the above C.A., stating that, in view of such compliance orders being issued, the contemnors are discharged and the contempt case is closed.

2. The DGP, AP, Hyderabad, has further reported that in the meantime, the petitioner has submitted a mercy petition addressed to the Government, through DGP against the above punishment. Basing on the mercy petition, the Commandant SAR CPL was requested to inform the petitioner, that there is no provision for mercy in the APCS (CC&A) Rules, 1991 according to Government Memo.No. 22494/Pol.B/A2/2000-1, dated: 10.7.2000, vide C.O.Memo.No.879/appeal-4/2005, dated: 10.10.2005. The said PC filed another O.A.No.5057/2004 in the Hon'ble APAT, Hyderabad against the punishment of dismissal from service. The Hon'ble APAT, Hyderabad in their order dated: 13.12.2005, dismissed the above O.A., as the impugned orders are perfectly legal and valid and do not call for any interference by the Tribunal. Subsequently, the petitioner has submitted two mercy petitions to the Government which were considered and rejected by the Government vide Memo.No.23623/Ser-II/A2/2006-2, dated: 11.6.07 and Government Memo.No. 3054/Ser-II/A3/08, dated: 1.10.2009 respectively.

3. The Director General of Police, Andhra Pradesh, Hyderabad, has further stated that the Commandant, SAR CPL, Hyderabad, informed that the claim of the individual in his petition that many other cases were considered by the Government in the light of G.Os issued in 2004 and 2006 and denied the benefit to him cannot be conceded. It is not the case that severe

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punishment is awarded on the first or second delinquency. The disciplinary authority came to the conclusion that the behaviour of the applicant is beyond rectification and therefore his decision is legally valid in the larger public interest and good governance.

4. Subsequently the said PC has filed a Writ Petition No.5429/01 before the Hon'ble High Court. The Hon'ble High Court delivered the following judgment on 7.3.2011:

“Accordingly, the Writ Petition is allowed and the impugned proceedings are set aside. The respondents 1 to 3 are directed to consider the case of the petitioner and to award any other punishment which appears to be just and reasonable to the proved misconduct other than the punishment of dismissal from service, within a period of two months from the date of receipt of copy of this order. No cost.”

5. The DGP, AP, Hyderabad, has, therefore, requested Government to issue appropriate orders based on the judgment of the High Court.

6. Government, after careful examination of the matter, hereby direct the DGP, AP, Hyderabad, to file SLP before the Hon'ble Supreme Court of India against the orders of the Hon'ble High Court of Andhra Pradesh in WP. No.5429/01. He is also requested to reinstate the applicant into service subject to outcome of the SLP to be filed before the Hon'ble Supreme Court.

7 The records received in the reference 3<sup>rd</sup> read above are returned herewith, the receipt of which should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. GAUTAM KUMAR  
PRINCIPAL SECRETARY TO GOVERNMENT

To,  
The Director General of Police, AP, Hyderabad (with records)  
The Commandant, SAR CPL, Amberpet, Hyderabad  
Sc/Sf

//Forwarded :: By order//

SECTION OFFICER